

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 SCOTT WILLIAM SUTHERLAND, et al.

Defendants.

Case No. 11-20129

HON. ROBERT H. CLELAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 JEFF GARVIN SMITH, et al.

Defendants.

Case No. 11-20066

HON. ROBERT H. CLELAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 SMILEY VILLA,

Defendant.

Case No. 12-20387

HON. ROBERT H. CLELAND

UNITED STATES' MEMORANDUM OF CASE MANAGEMENT

The United States of America, by and through its attorneys, BARBARA L. McQUADE, United States Attorney, Saima S. Mohsin and Eric M. Straus, Assistant United States Attorneys for the Eastern District of Michigan, and Jerome M. Maiatico, Trial Attorney for the U.S.

Department of Justice, hereby submits its Memorandum of Case Management, and states the following:

1. On June 7, 2012, the Government filed a one count indictment charging defendant Smiley Villa with a violation of Title 18, United States Code, Section 922(g), Criminal No. 12-20387.

2. July 13, 2012, the Government unsealed a thirty-eight count indictment charging forty-one defendants with offenses including violations of Title 18, United States Code, Section 1962(d), conspiracy to violate the Racketeer Influenced Corrupt Organizations Act, Criminal No. 11-20129.

3. On July 13, 2012, the Government unsealed a six count indictment charging eleven defendants with offenses including violations of Title 18, United States Code, Section 371, conspiracy to suborn perjury and obstruct justice, Criminal No. 11-20066.

4. On August 22, 2012, the Court held a status conference on the three indictments and ordered the Government to prepare and file a memorandum of proposed “groupings” of defendants for pretrial case management purposes. The Government’s proposed groupings list was filed on August 24, 2012.

5. On September 7, 2012, the Court granted in part, denied in part the Government’s Motion for Order to Consolidate the three indictments referenced in paragraphs one through three. (R. 461). The Court denied the Government’s request for consolidation onto one docket, however, the Court found that the three cases were related, and would be scheduled on the same track for all pretrial proceedings.

6. The Government submits this Memorandum of Case Management to propose subjects for discussion during the next Status Conference, scheduled for September 24, 2012, with the selected liaison attorneys. The Government proposes the following topics of discussion:

a. Discovery. The Government filed under seal two motions for protective orders related to the dissemination of discovery, Title III wiretap, and related materials (hereinafter referred to collectively as “discovery materials”). The Government contends that the resolution of the motions for protective order are necessary prior to the dissemination of any discovery materials to the defendants in these cases.

b. Format and Cost of Discovery. The Government intends to provide the discovery materials to defense counsel in digital format. Recognizing that defense attorneys will have differing software and hardware capabilities, it will be necessary to discuss any issues or concerns relating to the manner in which the discovery materials will be provided, as well as the cost of the production of these materials. Sharing of discovery materials among defense attorneys should also be discussed.

c. Motion Practice. In light of the volume of search warrants and wiretap orders, the Government proposes a discussion about the scheduling of motion cut-off dates, including a discussion about possible consolidation of defense motions and staggered motion cut-off dates.

d. Local Rule Requiring Concurrence. In light of the number of defendants and attorneys appearing in this case, the Government proposes a discussion about the manner in which the parties will comply with the local rule requiring concurrence before the filing of motions.

f. Trial Groups. The Government proposes that any discussion or determination regarding the grouping of defendants for trial purposes should be deferred until after the final pre-cutoff dates have passed.

e. Final Pretrial and Trial Date. The Government proposes that the final plea cut-off and trial dates be scheduled with sufficient time for discovery, motion practice, and trial preparation. The Government further proposes a discussion of issues related the Speedy Trial Act, in particular 18 U.S.C. §3161(h)(7)(B)(ii), which provides that a continuance may be warranted if the Court finds that "the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section."

Respectfully submitted,

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Dated: September 14, 2012

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2012 , I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

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